

# Notice of Allowability

Application No.

10/708,245

Examiner

Jeff Piziali

Applicant(s)

CHAO ET AL.

Art Unit

2629

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 19 July 2007.
2. ☒ The allowed claim(s) is/are 1, 2, 5-11, 14-19, and 22-26 (renumbered as claims 1-20).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Jeff Piziali  
4 September 2007

## DETAILED ACTION

### *Election/Restrictions*

1. **Claims 1, 2, 5-11, 14-19, and 22-26 (renumbered as claims 1-20) are allowable.** The restriction requirement among species, as set forth in the Office action mailed on 25 January 2007, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.**

Claims 9, 18, and 26, directed respectively to: *the pointing device of claim 1 wherein the main body further comprises a plurality of notches; the housing comprises a latch; and the latch comprises two teeth; wherein the positions of the housing with respect to the main body is fixed by fitting the two teeth of the latch into corresponding notches from the plurality of notches (claim 9);*

*the pointing device of claim 10 wherein the main body further comprises a plurality of notches; the housing comprises a latch; and the latch comprises two teeth; wherein the positions of the housing with respect to the main body is fixed by fitting the two teeth of the latch into corresponding notches from the plurality of notches (claim 18);*

*and the pointing device of claim 19 wherein the main body further comprises a plurality of notches; the housing comprises a latch; and the latch comprises two teeth; wherein the positions of the housing with respect to the main body is fixed by fitting the two teeth of the latch into corresponding notches from the plurality of notches (claim 26),* are no longer withdrawn from consideration because the claims require all the limitations of respective allowable claims

Art Unit: 2629

(in this case, respectively, elected independent claims 1, 10, and 19 -- renumbered as claims 1, 8, and 15).

In view of the above noted withdrawal of the restriction requirement, applicants are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

3. The drawings were received on 15 February 2007. These drawings are acceptable.

#### ***Allowable Subject Matter***

4. Claims 1, 2, 5-11, 14-19, and 22-26 (renumbered as claims 1-20) are allowed.
5. The following is an examiner's statement of reasons for allowance:

Art Unit: 2629

The present invention comprises a pointing device. The prior art, *Hesley et al (US 6,489,947 B2)* discloses a pointing device (see Column 1, Lines 25-29) comprising: a housing [Fig. 3A; 210] comprising an upper cover [Fig. 3A; 310]; a main body [Fig. 3A; 201] retractably fixed under the housing, the main body comprising a front half [Fig. 3A; 270, 271, 301] and a back half [Fig. 3A; 201A]; and an input section [Fig. 3A; 270, 271] placed on the front half of the main body for generating / inputting key signals, wherein the top surface of front half and the top surface of back half of the main body forming a smooth surface (see Fig. 2C; Column 10, Line 20 - Column 12, Line 14).

However, as argued by the applicants (on Pages 10-11 of the Amendment filed 19 July 2007), the prior art does not expressly teach the housing further comprises two extending arms, wherein the two extending arms of the housing extend from the upper cover and have the main body positioned between the two extending arms, for fixing the main body under the upper cover, and when the main body is under the housing, the front of the two extending arms of the housing is flush with the main body; and wherein the top surface of the front half and the top surface of the back half of the main body join with no gap between them, in combination with the remaining features and subject matter of the instantly claimed invention.

This distinct structural and operational arrangement has been incorporated into all three pending independent claims (i.e. claims 1, 10, and 19 -- renumbered as claims 1, 8, and 15), thereby rendering them allowable.

Art Unit: 2629

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali

4 September 2007